IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 9TH MARCH 2007 / 18TH PHALGUNA 1928

Bail Appl..No. 1424 of 2007()

CRIME NO. 338 OF 2003 OF KASARAGOD POLICE STATION

PETITIONER/ACCUSED

K.B.SIDDIQUE @ ABOOBACKER SIDDIQUE,
S/O. BEERAN KUNHI, ISATH NAGAR,
KARIMBLAM HOUSE, MADHUR VILLAGE,
KASARAGOD.

BY ADV. SRI.T.B.SHAJIMON

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REP. BY
THE SUB INSPECTOR OF POLICE,
KASARAGOD POLICE STATION, REP. BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No. 1424 OF 2007

DATED: 09-03-2007

O R D E R

Petitioner who is the 8TH accused in Crime No. 338/2003 of Kasaragod Police Station for offences punishable under Sections 143, 147, 148, 324 and 153(A) read with Sec. 149 I.P.C., seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner in C.C. 215/04 on the file of the J.F.C.M., Kasaragod the case against him was split up and re-filed as C.C. 246/06 and transferred to the Long Pending Case Register as L.P.C. 71/06.

3. Admittedly, non-bailable warrants of arrest are pending against the petitioner. Anticipatory bail cannot be issued to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Chief Judicial Magistrate, Kasaragod and seek regular bail. Accordingly, if the petitioner surrenders before the Chief Judicial Magistrate and files an application for regular bail within two weeks from today, the same shall be considered and disposed of

preferably on the same date on which it is filed after considering the explanation offered by the petitioner for his non-appearance and also after considering his contention that the co-accused in the case have been acquitted after trial.

With the above observation this application is disposed of.

V.RAMKUMAR, JUDGE.

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